

<u>SUBJECT</u>		<u>DATE</u>
1188. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE	AUG 11, 2016
1189. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE	AUG 18, 2016
1190. Product Spills and Waste Determinations	ENCORE	AUG 25, 2016
1191. Product Spills, Waste Determinations, and LDR	ENCORE	SEP 1, 2016

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: PRODUCT SPILLS, WASTE DETERMINATIONS, AND LDR

DATE: AUGUST 31, 2016

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
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TWO MINUTE TRAINING

SUBJECT: Product Spills, Waste Determinations, and LDR

Q: Last week's "Two Minute Training" (2MT) indicated that the spilled diesel fuel was not a hazardous waste since at the point of generation the diesel contaminated soil did not meet any hazardous waste listings (F, K, U or P) and did not exhibit any hazardous waste characteristics (D001 – D043). [The contaminated soil also did not meet any Washington State Dangerous Waste criteria]. Nonetheless, would the diesel contaminated soil still be subject to the Federal land disposal restrictions at [40 CFR 268](#) since the original product diesel fuel - prior to spillage - would have met the D001 hazardous waste characteristic for ignitability?

A: Per [40 CFR 268.1](#), "Land Disposal Restrictions", "Purpose, scope and applicability", it states:

"This part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed."

Per the above statement the land disposal restrictions only apply to a material that has been determined to be a RCRA "hazardous waste". Since the diesel contaminated soil in last week's 2MT was determined to be a nonhazardous waste, the RCRA land disposal restrictions could not apply. The hazardous characteristics of the product diesel fuel prior to the spill would not apply since the material was not yet a solid waste. Per [40 CFR 261.3](#), "Definition of hazardous waste", if a material is not a solid waste, it cannot be a hazardous waste.

Also per [WAC 173-303-140\(2\)\(a\)](#), it states:

"Land disposal restrictions for wastes designated in accordance with WAC 173-303-070(3)(a)(i) [U and P listed wastes], (ii) [F and K listed wastes], and (iii) [Federal characteristic wastes] are the restrictions set forth by the Environmental Protection Agency in 40 CFR Part 268 which are incorporated by reference into this regulation . . ."

Again, only if the material was designated as a Federal hazardous waste, would the land disposal restrictions at 40 CFR 268 apply.

SUMMARY:

- The land disposal restrictions apply to RCRA hazardous wastes.
- WA State-Only dangerous wastes are not subject to the Federal land disposal restrictions.
- If a material is not a hazardous waste, the land disposal restrictions cannot apply.

Nothing is attached to the e-mail. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 9/1/16

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